

REMARKS

Restriction Requirement

Claims 1-12 are pending in the present application.

Restriction is required under 35 U.S. C. 121 and 372.

The Examiner has required election in the present application between Groups I – XXVIII.

For the purpose of examination of the present application, Applicants elect, without traverse, Group I, Claims 1-8, drawn to a method of detecting acquisition of the drug resistance of a test cancer cell to anticancer drugs by detecting amplification of the ABCA3 gene.

Election of Species Requirement

The Examiner has required an election in the present application between Groups I – XXVIII.

For the purpose of examination of the present application, Applicants elect the CGH method and the ABCB1 gene.

Claim 1-8 are directed to the elected species.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner, Registration No. 32,181 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **AUG 13 2009**

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant